

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 95002

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. Temporary (See 95010)

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

YES ADOPTED BY COMMISSION

AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

For Filing Administrative
Regulations

For Emergency
Regulations Only

Effective Date _____

Expiration Date _____

Governor's Signature

Nevada State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [xx] Emergency []

Brief description of action: Petition 95002 temporarily amends NAC 445B.327. The adopted regulation amends fees charged to facilities emitting air emissions that require operating permits or general annual service and maintenance. The fee rates for state fiscal year 1996 and 1997 are kept at the level established for state fiscal year 1995. This petition will reduce the rates paid by stationary sources during the next biennium.

Authority citation other than 233B: NRS 445.491

Notice date: January 18; January 25 and February 2, 1995

Hearing date: February 16, 1995

Date of Adoption of Agency: February 16, 1995

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 95002**

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code (NAC) Section 445B.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 95002 was noticed three (3) times: 1-18-95, 1-25-95 and 2-02-95 in the Las Vegas Review and Reno Gazette-Journal newspapers. Two public comments were received. See below for a summary of the comments.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Written comments were received from the Nevada Mining Association and Nevada Power Company prior to the hearing. The comments commended the Division of Environmental Protection and its Bureau of Air Quality for proposing such a positive rule change, which proactively underscores and acknowledges the economic efficiencies of the Bureau's air permit program. A copy of the written comments may be obtained by calling the State Environmental Commission - (702) 687-4670.

3. If the regulation was adopted without changing any part of the proposed temporary regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulation was adopted at the State Environmental Commission hearing on February 16, 1995 without any change.

4. The estimated economic effect of the adopted temporary regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. The adopted temporary amendments to the NAC will allow regulated facilities will pay less fees in FY 1996 and FY 1997 than currently projected. Each regulated facility will pay approximately the same fee in each of these fiscal years as was paid in FY 1995, depending upon changes in the respective facility's operations, emissions and permitting requirements. There is no short-term adverse economic effect.

b. There is no estimated effect on the public, either adverse or beneficial, nor immediate or long-term.

5. The estimated cost to the agency for enforcement of the adopted temporary regulation.

There is no additional cost to the agency for enforcement.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

ADOPTED TEMPORARY REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION

Petition 95002

Explanation: Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445.491

Section 1. NAC 445B.327 is hereby amended to read as follows:

445B.327 Fees: General requirements.

1. The fee for an operating permit, a significant modification of a permit or a renewal of a permit for all sources is \$250 per application. An applicant must pay the entire fee when he submits and application to the director.

2. Fees based on emissions for a new or an existing source or for any significant modification to an existing source are as follows:

[(a) From] *On or after* July 1, 1994, [to and including June 30, 1995,] the fee is \$3.36 per ton timed the total tons of each regulated pollutant, except carbon monoxide, emitted during the preceding calendar year.

[(b) From July 1, 1995, to and including June 30, 1996, the fee is \$7.25 per ton times the total tons of each regulated pollutant, except carbon monoxide, emitted during the preceding calendar year.

(c) On and after July 1, 1996, the fee is \$9 per ton times the total tons of each regulated pollutant, except carbon monoxide, emitted during the preceding calendar year.]

3. To determine the fees set forth in subsection 2:

(a) Emissions must be calculated using:

(1) The emission unit's actual operating hours, rates of production and in-place control equipment;

(2) The types of materials processed, stored or combusted; and

(3) Data from:

(I) A test for emissions compliance;

(II) A continuous emission monitor;

(III) The most recently published issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42; or

(IV) Other emission factors or methods which the director has validated; or

(b) If paragraph (a) does not apply to a source that was in operation during the preceding calendar year, emissions must

be calculated using the permitted allowable emissions for that source.

4. Annual fees for services and maintenance are as follows:

[(a) From] *On or after* July 1, 1994, [to and including June 30, 1995]:

(1) For facilities which have more than 1 ton of emissions per year:

<u>Type of Source</u>	<u>Fee per permitted source</u>
Sources within major group 49 - power	
Power generation units	\$2,850
Power generation related sources	175
Other sources within major group 49	175
Sources within major group 10 - mining	175
Sources within major group 14 and 16 - aggregate/concrete	75
Other sources	125

(2) For facilities which have less than 1 ton of emission per year, each facility shall pay \$350.

[(b) From July 1, 1995, to and including June 30, 1996:

(1) For facilities which have more than 1 ton of emissions per year:

<u>Type of Source</u>	<u>Fee per permitted source</u>
Sources within major group 49 - power	
Power generation units	\$5,920
Power generation related sources	355
Other sources within major group 49	355
Sources within major group 10 - mining	355
Sources within major group 14 and 16 - aggregate/concrete ...	150
Other sources	275

(2) For facilities which have less than 1 ton of emissions per year, each facility shall pay \$700.

(c) On and after July 1, 1996:

(1) For facilities which have more than 1 ton of emissions per year:

<u>Type of Source</u>	<u>Fee per permitted source</u>
Sources within major group 49 - power	
Power generation units	\$6,850
Power generation related sources	425
Other sources within major group 49	425
Sources within major group 10 - mining	425

Sources within major group 14 and 16 - aggregate/concrete . . .	175
Other sources	325

(2) For facilities which have less than 1 ton of emissions per year, each facility shall pay \$750.]

5. The fee for a permit for a surface area disturbance is \$450 for 5 acres or more.

6. The fee for the modification of a facility requiring a new review for a stationary source, including the location of portable equipment on a site with permitted stationary equipment, is the same fee as is required for an operating permit as set forth in subsection 1.

7. The department shall calculate and collect all fees based on emissions and fees for services and maintenance beginning July 1, 1994, and on each July 1st thereafter.

8. Annual fees for operating permits are due and payable to the "Nevada State Treasurer, Environmental Protection: within 45 days after the date of the invoice.

9. As used in subsection 4, "major group" means the major groups described in the "Standard Industrial Classification Manual," as adopted by reference in NAC 445B.221.

END OF PETITION 95002